GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public servants – All India Services – Sri A.B. Venkateswara Rao, IPS (1989), formerly Additional Director General of Police, Intelligence and now under suspension – Disciplinary proceedings under Rule 8 of the All India Services (Discipline & Appeal) Rules, 1969 – Articles of charge – Issued.

GENERAL ADMINISTRATION (SC.D) DEPARTMENT

G.O.RT.No.767 Dated 18-04-2021

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ORDER:

Government have decided to initiate disciplinary proceedings against Sri A.B. Venkateswara Rao, IPS (1989) (under suspension), formerly Additional Director General of Police, Intelligence, in accordance with the procedure laid down under Rule 8 of the All India Services (Discipline & Appeal) Rules, 1969.

2. The substance of misconduct or misbehavior, in respect of which the disciplinary action is proposed to be initiated is set out in the enclosed statement of Articles of Charge (Annexure.I). A statement of imputation of misconduct or misbehavior in support of the Articles of Charge, together with the list of documents by which and list of witnesses by whom, the Articles of charge are proposed to be sustained, are also enclosed as Annexure.II, III & IV, respectively.

3. Sri A.B. Venkateswara Rao, IPS (1989), now under suspension, is directed to submit a written statement of his defence and also state whether he desires tobe heard in person, within 30 days of receipt of this order.

4. Sri A.B. Venkateswara Rao, IPS (1989), now under suspension, is informed that an enquiry will be held, only in respect of those Articles of Charge which are not admitted and in case if it is considered necessary. The Member of Service should, therefore, specifically admit or deny each Articles of charge.

5. Sri A.B. Venkateswara Rao, IPS (1989), now under suspension is further informed that if no written statement of defence is filed within the time specified at para-3 above, or if he does not appear in person before the Competent Authority or otherwise fails or refuses to comply with the provisions of rule 8 of All India Services (Discipline & Appeal) Rules 1969 or the orders or directions issued in pursuance of the said rules, action will be taken against him based on the material available on record on the ground that he has no explanation to offer.

(P.T.O.)

6. The attention of Sri A.B. Venkateswara Rao, IPS (1989), now under suspension, is invited to Rule 18 of the All India Services (Conduct) Rules, 1968, according to which no member of Service should bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matter pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri A.B. Venkateswara Rao, IPS is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 18 of All India Services (Conduct) Rules, 1968.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
CHIEF SECRETARY TO GOVERNMENT

To
Sri A.B. Venkateswara Rao, IPS
(through the Director General of Police (HoPF), A.P.)

The Director General of Police (HoPF), A.P., Mangalagiri
(with a request to serve the copy on the MoS and furnish the dated acknowledgement, immediately).

Copy to:
The Secretary to Government of India, Ministry of Home Affairs, North Block, New Delhi.
The Director General, ACB, A.P., Vijayawada.
The Secretary to Vigilance Commissioner, APVC.
SF

//FORWARDED: BY ORDER//

SECTION OFFICER (SC)

ANNEXURE – I

(Annexure to G.O. Rt. No.767, General Administration (SC.D) Department, dated 18-04-2021)

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI A.B. VENKATESWARA RAO. I.P.S. (1989) (UNDER SUSPENSION):

ARTICLE OF CHARGE

That, the said Sri A.B. Venkateswara Rao, IPS (1989) is facing disciplinary proceedings and the case has been entrusted to the Commissioner of Inquiries for a detailed inquiry. After attending the **enquiry** before the Commissioner of Inquiries, he spoke to media on 04.04.2021 at Secretariat Premises, Velagapudi , the full copy of which is enclosed as annexure III with remarks as under :

14 రోజుల నుండి కొనసాగుతున్నటువంటి విచారణ ఇరువర్గాల నుండి ఈ రోజు పూర్తయింది. అల్పులు, అధములు, వ్యవస్థ పట్ల అవగాహన లేనివాళ్లు, కుక్కమూతి పిందెలు చేసినటువంటి నిరాధారమైన ఆరోపణలను ఎదుర్కొంటు నా నిర్దోషిత్వాన్ని నిరూపించుకోవడానికి ఇంతసమయం పట్టింది. రాని డాక్యుమెంట్లు గురించి నా protest రికార్డు నమోదు చేశాను. రికార్డు మీద అలానే ఇంకొన్ని విషయాలు గూడా protest నమోదు చేశాను. ఈ విచారణ జరుగుతున్న సమయంలోనే కొన్ని డాక్యుమెంట్లని కృత్రిమంగా తయారుచేసి ఈ ఎంక్వయిరీలో చొప్పించటానికి కూడా ప్రయత్నాలు జరిగాయి. దానికి కొంత ఆధారాలు కూడా నేను సేకరించాను. అవన్నీ కూడా కమిషను ముందు వుంచాను. ఆవిషయంలో కూడా నా protest ని రికార్డ్ చేశాను. ఈ ఆరోపణలే ఒక కుట్రపూరిత కుట్రకి ఫలితం. కాబట్టి డాక్యుమెంట్లు కుట్రపూరితంగా పెట్టడంలో ఆశ్చర్యమేమీ లేదు. విచారణ అయిపోయిన తర్వాతకూడా నేను ఆ కృత్రిమంగా పెట్టినటువంటి డాక్యుమెంట్ల సంగతి తేల్చడానికి సిద్ధంగా వున్నాను. వాస్తవాలని రికార్డులో వున్నాయి. దానిమీద కమిషనరుగారు అన్ని విషయాలు పరిశీలించి వారి నిర్ణయాన్ని కొద్ది రోజుల్లో ప్రకటిస్తారు.

.... నా అదృష్టం బాగుండి సుప్రీమ్ కోర్టు ఇంటర్వెన్షన్ వల్ల కనీసం ఒక సంవత్సరం సంవత్సరంన్నర లోనే నిజానిజాలు బయటకు వచ్చేటటువంటి అవకాశం కల్గింది.

The above utterances, to the media, in regard to ongoing enquiry against the charged officer, constitute an adverse criticism of the current action of the

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Government in initiating disciplinary enquiry proceedings against him, which matter is pending in Honourable Supreme Court in SLP © No. 8024/2020. The charged has chosen to comment on the state of departmental proceedings, which are pending as of today, stating that during the course of investigation the ACB threatened the witnesses, reports have been submitted with false information, created forged e-file, he was implicated in the case with a malafide intention etc.

Under Rule 7 of the AIS (Conduct) Rules, 1968, no member of the Service shall, in any radio broadcast or communication over any public media or in any document published anonymously, pseudonymously or in his own name or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion (i) which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government.

The act of the Member of Service is totally unbecoming of a Government servant and amounts to misconduct under Rule 3 of the All India Services (Disciplinary & Appeal) Rules, 1969 for his conduct being in violation of rule 7 of the AIS (Conduct) Rules, 1968.

Hence the charge.

ADITYA NATH DAS
CHIEF SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER (SC)

ANNEXURE.II

STATEMENT OF IMPUTATION OF MISCONDUCT / MISBEHAVIOUR IN SUPPORT OF ARTICLES OF CHARGE FRAMED AGAINST SRI A.B. VENKATESWARA RAO, IPS (1989) (UNDER SUSPENSION).

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Disciplinary proceedings under rule 8 of the AIS (D&A) Rules, 1969 have been initiated against Sri A.B. Venkateswara Rao, IPS (1989) (under suspension), formerly Additional Director General of Police, Intelligence on the charges of irregularities in the process of procurement of Aerostat & UAV equipment for Andhra Pradesh Police under the scheme of Modernisation of Police Force. The case has been entrusted to the Commissioner of Inquiries for regular inquiry. The subject matter involves a sensitive aspect of police forces and the decision-making process of the hierarchy in the Government, at the relevant point in time, in regard to the subject matter.

After attending the inquiry before the Commissioner of Inquiries, Sri A.B. Venkateswara Rao, IPS (under suspension), Charged Officer in the said case, spoke to media on 04.04.2021 at Secretariat Premises, Velagapudi, making derogatory comments against the Investigating Officers in his case that during the course of investigation the ACB threatened the witnesses, reports have been submitted with false information, created forged e-file, he was implicated in the case with a malafide intention etc. The text of the words uttered by the charged and its video is enclosed as Annexure III.

The Member of Service has been given reasonable opportunity, as provided in the AIS (D&A) Rules, 1969 to defend his case before the Inquiring Authority. He availed the opportunity. It is for the Inquiring Authority to weigh the arguments and counter arguments and submit his findings. The conduct of the charged officer in organizing and addressing a press meet and comment on the proceedings held before the COI and criticize the action of the Government in conduct of enquiry including Government officials who have investigated the case and submitted the reports to Government is totally unbecoming of a Government servant. He violated the provisions of rule 7 of the AIS (Conduct) Rules, 1968.

ADITYA NATH DAS
CHIEF SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER (SC)

ANNEXURE.III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI A.B. VENKATESWARA RAO, IPS (1989) (UNDER SUSPENSION) ARE PROPOSED TO BE SUSTAINED.

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1) Video of Press Conference held by the Charged Officer on 04.04.2021 at Secretariat premises.

2) Press clippings of Andhra Jyothi and EENADU daily news papers, dated 05.04.2021.

ANNEXURE.IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI A.B. VENKATESWARA RAO, IPS (1989) (UNDER SUSPENSION) ARE PROPOSED TO BE SUSTAINED.

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ADITYA NATH DAS
CHIEF SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER (SC)